

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:07CR83

UNITED STATES OF AMERICA

VS.

WILLIAM BRIAN JOHNSON

)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER came on for hearing before the Court on October 29, 2008, for a determination of the Defendant's competency to proceed and for a final hearing on the supervised release violations filed by the Probation Officer. **See Petition for Warrant for Offender Under Supervision, filed October 31, 2007.** Defendant also filed a "Conditional Motion under Rule 14 to Separate Charges and Motion to Continue," on October 29, 2008.

As to the issue of Defendant's competency, both the Defendant and the Government stipulated to the findings contained in the forensic report that the Defendant was competent to proceed and was sane at the time of the alleged violations herein. **See Forensic Report, prepared by Judith**

(Betsy) Campbell, Ph.D., Forensic Psychologist, and Michael Helvey, Ph.D., Chief Psychologist, dated October 3, 2008, filed under seal October 8, 2008. Neither party offered additional evidence as to the issue of Defendant's competency.

For the reasons more fully set forth on the record in open court, the Court finds from a review of the forensic reports that both psychologists found the Defendant competent to proceed and that he was sane at the time the alleged offenses charged herein were committed. Defendant presented no other evidence to suggest otherwise. Therefore, the Court concludes that the Defendant is not presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense and that he was sane at the time of the alleged offenses charged herein.

IT IS, THEREFORE, ORDERED that the Defendant is hereby deemed competent to proceed for the adjudication of the charges herein.

IT IS FURTHER ORDERED that the Defendant's "Conditional Motion under Rule 14 to Separate Charges and Motion to Continue," is hereby **DENIED.**

Signed: November 3, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

